

REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. Claims 1, 18, and 28 have been amended. Claims 3, 26, and 33 have been cancelled. Existing claims 1-2, 4-5, 13-14, 16-23, 27-28, 32, and 34-36 remain in the application.

ARGUMENT

Claim Rejections – 35 USC § 103

Claims 1, 2, 4, 5, 13, 14, 16-23, 27, 28, 32 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griggs (2002/0029384) (hereinafter Griggs) in view of Ellis et al (6,774,926) (hereinafter Ellis).

Independent claims 1, 18, and 28 have been substantially amended. Each of these independent claims not only recites a limitation of “determining whether to include the selected program in the custom channel,” but also recites details on how to make that determination. As a result, claims 3, 26, and 33 have been cancelled and additional limitations recited therein have been incorporated into independent claims 1, 18, and 28, respectively.

The Examiner relied on the combination of Griggs, Ellis, and Knudson (US Patent Publication No. 2005/0273819) to reject original claims 3, 26, and 33. Particularly, the Examiner asserted that Knudson discloses the details of how to resolve conflicts recited in original claims 3, 26, and 33. Applicant respectfully disagrees. Knudson does disclose some ways to resolve conflicts (see Figs. 13-17 and their corresponding description). However, Knudson does not disclose the element of “adding the selected program to the custom channel if it is determined to provide simultaneous access to the selected program

and the previously added program.” Thus, the combination of Griggs, Ellis, and Knudson does not make original claims 3, 26, and 33 obvious. Accordingly, independent claims 1, 18, and 28 are patentable over Griggs in view of Ellis, and further in view of Knudson.

Because independent claims 1, 18, and 28 are now patentable over Griggs in view of Ellis and further in view of Knudson, all of the claims that depend therefrom are also patentable over Griggs in view of Ellis and further in view of Knudson. Applicant thus respectfully requests that the 35 U.S.C. § 103 rejections over three independent claims as well as their dependent claims be withdrawn.

Claims 3, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griggs in view of Ellis as applied to claims 1, 18, and 28 above, and further in view of Knudson.

Claims 3, 26, and 33 have been cancelled and their limitations have been incorporated into independent claims 1, 18, and 28, respectively. Please see the arguments above.

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CONCLUSION

Based on the foregoing, it is submitted that that all active claims are presently in condition for allowance, and their passage to issuance is respectfully solicited. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-1700. Entry of this amendment is respectfully requested.

Respectfully submitted,

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